

## **REMARKS**

Claims 49, 58, and 59 have been amended. Claim 49 has been rewritten in independent form. Claims 58 and 59 have been amended to correct minor errors. Support for the amendments can be found throughout the specification and claims as originally filed. No new matter has been added.

Claims 41, 46, 48-67, 69-72, 88, and 92-94 are now pending in the application. Claims 88 and 92-94 stand withdrawn.

Applicants note with appreciation the Examiner's indication that all previous rejections of record have been overcome, and now request reconsideration of the application in view of the remarks that follow.

### Rejections under 35 U.S.C. §112, second paragraph

Claim 49 stands rejected as indefinite for allegedly lacking antecedent basis. The Office Action states that claim 49 "recites variable  $R_d$  which represents substituents . . . not within the scope of  $-LR_a$  in claim 41." Without agreeing with this rejection, and solely for the purpose of expediting prosecution and allowance of the application, claim 49 has been rewritten in independent form. Support for the amendments can be found in the specification and claims as filed, e.g., specification pages 21-22, and original claims 41 and 49. Applicants submit that claim 49, as amended, cannot lack antecedent basis and complies in all respects with the requirements of 35 U.S.C. §112, second paragraph. Claims 50-53, which depend from claim 49, are also clear and are not indefinite.

Claim 56 was rejected as lacking antecedent basis for reciting the language "(5- to 6-membered heteroaryl) $C_0$ - $C_4$ alkyl" and "(5- to 7-membered heterocycloalkyl) $C_0$ - $C_4$ alkyl", which, according to the Office Action, "are not recited for  $R_3$  and  $R_4$  in claims 41 and 55." Applicants do not agree with these statements. In fact, claim 55, and claim 41 from which it depends, recites that  $R_3$  and  $R_4$  can be, *inter alia*, "(5- to 10-membered heterocycle) $C_0$ - $C_8$ alkyl". As described in the present specification, e.g., at page 14, lines 13-26, a "heterocycle" can include, e.g., a heterocycloalkyl or a heteroaryl group. Thus, claim 56 does not lack antecedent basis, and is properly dependent from claims 41 and 55 as it further limits the subject matter of those claims.

Claims 58 and 59 stand rejected as allegedly lacking antecedent basis for reciting the term "aminocarbonyl." Applicants respectfully disagree. Claim 41 provides that the moieties  $R_3$  and  $R_4$  can be, *inter alia*, taken together with an  $R_5$  or  $R_6$  to form a 4- to 10-membered heterocyclic group substituted with from 0 to 4 substituents independently chosen from  $R_b$ ; or  $R_3$  and  $R_4$  can be taken together to form a 4- to 10-membered heterocycle that is substituted with from 0 to 4 substituents independently chosen from  $R_b$ . As further provided by claim 41, the variable  $R_b$  includes, among other possibilities, "aminocarbonyl". Applicants submit that claims 58 and 59 do not lack antecedent basis for reciting this language (although claim 59 has been amended to remove an inadvertent duplication of the language). Applicants contend that claims 58 and 59 are not indefinite; moreover, claim 60 is no longer subject to rejection as being dependent on a rejected base claim.

Reconsideration and withdrawal of the rejections is proper and such action is requested.

#### Rejoinder of Withdrawn Claims

Applicants note that the Restriction Requirement dated December 14, 2005, indicated that method claims including all limitations of a patentable product claim would be rejoined and examined on the merits. As claim 41 has now been indicated to be allowable, and method claims 88 and 92-94 refer (directly or indirectly) to claim 41, Applicants submit that rejoinder and examination of the methods claims is appropriate. In addition, as the remaining compound/composition claims are also in condition for allowance, as discussed above, Applicants would appreciate receiving an examination on the merits of the method claims before allowance of the application.

#### Supplemental Information Disclosure Statement

The Examiner's attention is directed to the Supplemental Information Disclosure Statement being filed herewith. Applicants request that the Examiner consider the references cited and return an initialed copy of the IDS to Applicants with the next Office Action or notice of allowance.

**CONCLUSION**

For at least the reasons discussed above, this case is believed to be in condition for allowance. Early and favorable action is requested.

Applicants request any extension of time necessary. The Examiner is hereby authorized to charge our deposit account no. 04-1105 under order number 60427 (72021) should any fee be deemed necessary.

Should the Examiner consider that obstacles to allowance exist, the Examiner is invited to contact the undersigned.

Dated: April 23, 2008

Respectfully submitted,

By           /Mark D. Russett/            
Mark D. Russett, Registration No.: 41,281  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 239-0100  
Attorneys/Agents For Applicants